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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,035	02/02/2006	Clive Alan Brown	2086009001	6767
27530 7590 03/19/2009 NELSON MULLINS RILEY & SCARBOROUGH, LLP 1320 MAIN STREET, 17TH FLOOR COLUMBIA, SC 29201				
EXAMINER LARKIN, DANIEL SEAN				
ART UNIT 2856		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/532,035

**Applicant(s)**

BROWN, CLIVE ALAN

**Examiner**

DANIEL S. LARKIN

**Art Unit**

2856

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-16, and 18-20 is/are rejected.
- 7) ☐ Claim(s) 6 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see pages 5-7, filed 17 October 2008, with respect to the rejection(s) of claim(s) 1-4, 7, 9, 13-16, and 18-20 under US 2002/0004694 (McLeod et al.) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2002/0004694 (McLeod et al.) in view of US 5,592,296 (Pye).

***Claim Rejections - 35 USC § 103***

2. Claims 1-4, 7, 9, 13-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0004694 (McLeod et al.) in view of US 5,592,296 (Pye).

McLeod et al. disclose a device for testing exhaust emissions comprising: a base station/data processor/computer [62] having a memory and a printer (paragraphs 159-174) having docking ports ([60]; paragraphs 162-164) for connection with a portable gas sensor including a gas analyzer [500] ([58], paragraphs 156-158) and a portable display device/using interface device [48] (paragraphs 71-81) comprising a keypad (paragraph 72), wherein data may be transmitted and received wirelessly through radio signals (paragraph 175). McLeod et al. disclose that a docking station [60] is provided through which a communications link between the base station/data processor [62] and selected devices within the modular vehicle diagnostic system may be established (paragraphs 162 and 164). The docking port may orient the display device 48 on base station 62; see paragraphs 196 and 198 ("data processor 62 may or may not conjoin

user interface unit 48" (emphasis added)). McLeod et al. further disclose that the display device/user interface device [48] is provided with a power pack (paragraph 76).

As per the limitation that the gas sensor and the display device are detachable from the base station for independent use, McLeod et al. disclose that the each device within the modular vehicle diagnostic system may execute functions that are related to vehicle diagnosis and/or signal processing. Each device may further have a local control system, i.e. all of the hardware and/or software for controlling the device is within the device, see paragraph 0064. This appears to suggest that the gas sensor/analyzer [58, 500], which performs vehicle diagnosis and/or signal processing, does not require the use of the user interface [48] because the sensor/analyzer [50, 500] contains the necessary hardware and/or software for stand alone operation. With respect to the operation of the display device, McLeod et al. disclose that the user interface unit [48] can be connected to other vehicle signal and data preconditioning modules [50, 52], which suggests connections to devices other than the gas sensor/analyzer [58]. McLeod et al. fail to disclose the gas analyzer having a separate power pack.

Pye discloses an exhaust gas particle sensor comprising a housing (5) connected to an input tube (3) that is inserted into a vehicle exhaust pipe (2). Pye further disclose that power for the device is provided through the use of batteries attached to the housing (5) or a separate power pack, col. 5, lines 44-50. Providing the gas analyzer with batteries would have been obvious to one of ordinary skill in the art as a means of providing a portable device usable for spot checks without having the analyzer tied to a fixed location through the use of a cord.

3. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0004694 (McLeod et al.) in view of US 5,592,296 (Pye) as applied to claim 1 above, and further in view of US 6,435,019 (Vojtisek-Lom).

McLeod et al. in view of Pye teach the claimed invention except for the use of an engine speed sensor and an oil temperature probe wirelessly connected to the display device.

Vojtisek-Lom teaches an exhaust sensor system having an oil temperature sensor [29] and an engine speed sensor [18], where the sensor results are sent to a computer (column 4 lines 11-31 and 63-65; column 5 line 58 through column 6 line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use engine speed sensor and an oil temperature probe as taught by Vojtisek-Lom in the invention taught by McLeod et al. in view of Pye to gather additional sense data to be sent wirelessly to the operator display, since this would provide the operator with more useful data about auto operation.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0004694 (McLeod et al.) in view of US 5,592,296 (Pye) as applied to claim 1 above, and further in view of US 2003/0159044 (Doyle).

McLeod et al. in view of Pye teach the claimed invention except for the use of a smart card reader.

Doyle teaches the use of a smart card reader [430] for ensuring the security of a station. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to use a smart card reader as taught by Doyle in the invention taught by McLeod et al. in view of Pye, since this would limit unauthorized access to privileged information.

***Allowable Subject Matter***

5. Claims 6 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. LARKIN whose telephone number is (571)272-2198. The examiner can normally be reached on 8:30 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel S. Larkin/  
Primary Examiner, Art Unit 2856  
16 March 2009